

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

RAYMOND TIEDE,)
)
)
Petitioner,)
v.) Civil No. 3:19cv589-REP-EWH
)
)
JEFFREY CRAWFORD, et al.,)
)
)
Respondents.)
)
_____)

NOTICE OF SUGGESTION OF MOOTNESS

Respondents, by counsel, submit this Notice of Suggestion of Mootness in further response to the Court’s July 23, 2020 Order (ECF No. 12) directing Respondents to provide an update on the status of Petitioner’s removal proceedings, and to Respondents’ prior Notice of Status Update (ECF No. 13).

Petitioner Raymond Tiede was released from the custody of the United States Immigration and Customs Enforcement (ICE) on February 16, 2021, pursuant to an Order of Supervision. *See Ex. A, Declaration of Paul F. Trump ¶ 3; Decl. Ex. 1, Order of Supervision.*

In his Petition, Tiede challenged only his detention and as relief sought to be released from custody. *See, e.g., Pet. (ECF No. 1) at 8 (asserting that his “continued detention violates the 90 days statutory removal period” and is “unreasonable and is not authorized” and that his “continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint”); id. at 9 (requesting as relief that the Court “direct[] the respondent to immediately release the petitioner from custody”).*

Because Tiede has been released from ICE custody, his habeas petition seeking release from custody no longer presents a live controversy and is therefore moot. “A habeas corpus

petition is moot when it no longer presents a case or controversy under Article III, § 2, of the Constitution.” *Roberts v. Lynch*, No. 3:16CV179, 2016 WL 6662741, at *1 (E.D. Va. Sept. 27, 2016), report and recommendation adopted, No. 3:16CV179, 2016 WL 6662701 (E.D. Va. Nov. 10, 2016) (quotation marks and citation omitted). “Where, as here, a petitioner does not challenge the legality of his removal order but rather only seeks release from ICE custody pending his removal, courts have held that the petitioner’s deportation or release from custody moots the petition.” *Id.* (quotation marks, citation, and alteration omitted).

Tiede was released from ICE custody on February 16, 2021, pursuant to an order of supervision. Because Tiede has already been released from ICE custody, his habeas petition no longer presents a case or controversy that this Court can address. *Roberts*, 2016 WL 6662741, at *1 (“Here, Roberts was released from ICE custody on June 3, 2016, pursuant to an order of supervision. . . . Because Roberts has already been released from ICE custody, his § 2241 Petition no longer presents a case or controversy that this Court can address.”). Accordingly, the Court should dismiss Petitioner’s Petition for a Writ of Habeas Corpus (ECF No. 1) as moot. See Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”); *Kontrick v. Ryan*, 540 U.S. 443, 455 (2004) (“A litigant generally may raise a court’s lack of subject-matter jurisdiction at any time in the same civil action.”); *Sucampo Pharm., Inc. v. Astellas Pharma, Inc.*, 471 F.3d 544, 548 (4th Cir. 2006) (“For example, the court must raise the issue of subject-matter jurisdiction *sua sponte*, if necessary.”) (citing Fed. R. Civ. P. 12(h)(3)).

Dated: February 19, 2021

Respectfully submitted,

RAJ PAREKH
ACTING UNITED STATES ATTORNEY

By: /s/

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CERTIFICATE OF SERVICE

I certify that on February 19, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and served the Petitioner, who is a non-ECF user, by depositing a true copy of the same in the U.S. mail in a prepaid envelope addressed as follows.

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